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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PAK, SUNG H

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,917

Applicant(s)

VITTAL, CHIRADEEP

Examiner

Sung H. Pak

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts (US 6,031,647).

Roberts discloses an optical system with all the limitations set forth in the claims, including: a variable optical attenuator (VOA) for receiving first optical input signal from a transmitter ("23" Fig. 2) and outputting an attenuated signal to be used in an optical component; VOA having control input to receive control parameters that adjusts attenuation level (column 5 lines 20-58); a signaling channel; a VOA controller that is coupled to the input point of the optical component by an optical tap (Fig. 2); VOA controller generating selected control parameters that are input into the VOA for adjusting the attenuation factor to achieve a selected signal power level at the input point of the optical component (Fig 2 and column 5 lines 20-58).

Although Roberts does not explicitly mention a detector, a detector is an inherent component of the controller. Therefore, Roberts fully anticipates a detector that is coupled to the input point via an optical tap, which the detector detects the power level of the attenuated signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (US 6,031,647) in view of Sorin et al (US 2002/0003915 A1).

Roberts discloses an optical system with all the limitations set forth in the claims as discussed above except it does not teach the detector and the VOA controller being coupled to the local network.

Sorin et al reference, on the other hand, explicitly teaches an attenuator control circuit being coupled to the local network (Fig. 28). Sorin et al reference teaches that such an arrangement is advantageous over the prior art because it allows attenuation parameters to be controlled remotely via network signals. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the optical system of Roberts to have the attenuator controller coupled to the local network.

Claims 6, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (US 6,031,647).

Roberts discloses an optical system with all the limitations set forth in the claims as discussed above, except it discloses the use of plurality of signal transmitters and a WDM multiplexer, instead of a WDM de-multiplexer as claimed in claims 6 and 15 of the instant application. However, the use of WDM demultiplexer is well known and commonly taught in the optical communications art. The use of demultiplexers provides a well-known advantage of allowing for 1xN multi-wavelength switching/ routing capabilities common in high-bandwidth optical communications. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the Roberts device to have a WDM demultiplexer as claimed in claims 6 and 15 of the instant application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


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Art Unit: 2874

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Sung H. Pak
Examiner
Art Unit 2874

sp
July 3, 2003



HEMANG SANGHAVI
PRIMARY EXAMINER